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May 28, 2020

**VIA ECF**

Hon. William H. Pauley III  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: *Lynch, et al. v. The City of New York*, 17-CV-7577 (WHP)

Dear Judge Pauley:

I am an Assistant Corporation Counsel assigned to represent the Defendant in the above-referenced action. On May 15, 2020, Your Honor directed the Parties to submit a status report on June 1, 2020. *See* Memo Endorsement, Dkt. No. 87. I write now on behalf of all Parties to respectfully request a one-week extension of the deadline, from June 1, 2020 to June 8, 2020. The Parties make this request so that we may continue to address certain discovery issues next week and then provide the Court with a more substantive update on June 8, 2020.

The Court ordered the Parties to conduct remote depositions of certain DOC low-level fact witnesses in May. The Parties agreed to a deposition of an RICC witness on May 22, and a deposition of a Correction Academy witness on May 29. *See* May 7, 2020 Joint Status Report, Dkt. No. 86. On May 22, 2020, Plaintiffs deposed Rezzakul Chowdhury, an Administrative Manager at RICC. Plaintiffs have taken the position that Mr. Chowdhury's deposition evidences certain deficiencies in the City's production to date and in a May 27, 2020 letter to the City preliminarily identified 8 categories of documents that should have been produced. The Parties are conferring on these alleged deficiencies, and the City intends to provide a response to Plaintiffs' May 27, 2020 letter next week.

Additionally, yesterday afternoon the City had to reschedule the deposition of the Correction Academy witness. The Parties previously agreed that Edwin Pauzer, a retired Curriculum Developer, would sit for a deposition on May 29, 2020. *See* May 7, 2020 Joint Status Report, Dkt. No. 86. However, the City has identified two other Academy staff members who are better able to testify to the issues in this case – namely, Academy trainings concerning bail payment and discharge – and has determined that they have recently returned to their posts at the

Academy. The Parties are currently discussing issues regarding the rescheduled deposition and finalizing a date within the next two weeks to conduct a deposition of one of those two staff members.

For these reasons, the Parties respectfully request that the Court allow an additional week to submit the joint status update, and that that letter be due on June 8, 2020.

Separately, the City notes for the Court that it completed its ESI production on May 27, 2020, and that the Parties finalized a Clawback Agreement, as discussed in the May 7, 2020 Status Report. *See* Dkt. No. 86. This substantial production contained Bates range LYNCH.DEF.065594 – LYNCH.DEF.129860. Plaintiffs' counsel has informed defense counsel that they do not intend to discuss this production in the Parties' next status letter to the Court. Defendant, however, intends to provide related updates to the Court in that letter, as the ESI production contained scanned versions of various aggregate records that Plaintiffs currently seek in hard copy form.

Respectfully,

/s/ \_\_\_\_\_  
Ian William Forster  
Assistant Corporation Counsel

CC: *all counsel of record*

**Application granted.**

Dated: May 28, 2020  
New York, New York

SO ORDERED:

  
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WILLIAM H. PAULEY III  
U.S.D.J.